

Topic: ARA Briefing on VIM Recycling, Inc. (8/9/09)

Purpose

- Provide update on ongoing activities at VIM Recycling, Inc. site in Elkhart, IN

Schedule

- An ACO was signed on 6/29/09. The removal began the same day.
- The removal is proceeding on schedule and should be completed by 12/31/09.
- All required reports (weekly/monthly progress reports) and ACO deliverables (site emergency response plan, website updates) have been submitted on time.

Issues

- A resident is taking photos of smoke, steam and dust arising from the site, and an attorney representing him is alleging the photos document violations of the Order which require enforcement.
- An attorney representing 4 residents opposed to the site is questioning implementation of the Order, is requesting documentation and inspection reports, and notified EPA of the intention to sue the Administrator for failing to object to IDEM's issuance of a Title V permit.
- A state representative questions implementation of the Order and accused EPA & IDEM of corruption.
- Staff from Senator Evan Bayh and Congressman Joe Donnelly's office visited the site on 7/30 in response to a letter from the state representative. A response was sent to Senator Bayh on 7/31 in response to a letter expressing concerns to Region 5.
- A Fact Sheet explaining the project to residents was developed and distributed door to door in response to a recommendation by congressional staff.
- The removal operation is inevitably generating smoke, steam and odors in the community. Though efforts are made to minimize the impacts on the residents, it is expected that the removal will continue to generate nuisance conditions in the neighborhood.

Background/Summary

- EPA issued an Administrative Consent Order on 6/29/09 to VIM in response to a NOV issued on 5/8/09 for open burning. The Order requires excavation, sorting, screening, and removal of larger pieces of wood waste to a local landfill for disposal.
- The Order stipulates efforts to minimize the impact on the surrounding community, including:
 - Placement of soil and/or water on the pile to control fires,
 - Daily monitoring of all piles to detect fires and response within 3 hours,
 - Measures to prevent smoke and fires during excavation,
- The Order also requires establishment of a website and weekly/monthly progress reporting.
- VIM coordinated with the Baugo Fire Department, Elkhart County EMA, and IDEM Emergency Response Team on the development of a Site Emergency Response Plan to respond to contingencies.

Future Actions

- ARD, LCD and IDEM field staff will continue to conduct oversight on all aspects of the removal
- ARD will be working with OGC, OAQPS, and OECA to develop a response to LEAF's petition and NOI.
- LCD will continue to support IDEM on efforts to permit composting, soil blending and marketing of smaller-sized materials left behind by the screening operation.